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## **SUPERSEDING INDICTMENT ADDS NEW CHARGES AGAINST AHMED ABDEL SATTAR, LYNNE STEWART, AND MOHAMMED YOUSRY**

WASHINGTON, D.C. – Attorney General John Ashcroft and U.S. Attorney James B. Comey of the Southern District of New York announced today that a federal grand jury in Manhattan has returned a superseding indictment adding new charges against Ahmed Abdel Sattar, defense attorney Lynne Stewart, and translator Mohammed Yousry. The new charges, like those originally brought against the defendants in April 2002, are based on their dealings with the imprisoned Sheik Omar Ahmad Ali Abdel Rahman, an influential and high-ranking member of terrorist organizations based in Egypt and elsewhere, who is serving a sentence of life in prison in the United States for conspiring to wage a war of urban terrorism against the United States.

“The government’s decision to bring additional charges against the defendants in this case is justified by the evidence we obtained during our investigation, and reflects the seriousness of the conduct allegedly engaged in by the defendants,” Ashcroft said. “The Department of Justice remains committed to identifying, investigating and prosecuting those who are alleged to have aided our terrorist enemies by providing their support and resources to terrorist causes.”

“I commend the outstanding work of James Comey, United States Attorney for the Southern District of New York, and his office, Pasquale J. D’Amuro, the Assistant Director in Charge of the New York Office of the FBI, and all the members of the Joint Terrorism Task Force, particularly the NYPD, for their work on this case and their continued efforts to protect America from terrorism.”

The new charges include a count against Sattar for his alleged participation in a conspiracy to kill and kidnap persons in a foreign country. The new charges also include allegations that Stewart and Yousry conspired to provide and conceal, and did provide and conceal, material support to terrorist activity, by making the imprisoned Abdel Rahman available as personnel to carry out the conspiracy to kill and kidnap persons in a foreign country, and by concealing Abdel Rahman’s service as personnel preparing for and carrying out such a conspiracy. Stewart and Yousry did this by, among other things, passing and messages between Abdel Rahman and his co-conspirators (including Sattar), and by actively concealing that they were doing so.

In the original indictment unsealed on April 9, 2002, Stewart, Sattar and Yousry (and a fourth co-defendant, Yasser Al-Sirri, who is in England) were charged with, among other things, conspiring to provide, and providing, material support and resources to the Egypt-based terrorist organization known as the “Islamic Group,” including by, among other things, passing and disseminating messages regarding Islamic Group activities to and from Abdel Rahman.

On July 22, 2003, United States District Judge John G. Koeltl dismissed the material-support charges against Stewart, Sattar and Yousry, based on the Court's finding that the statute under which the charges were brought, Section 2339B of Title 18 of the United States Code, was unconstitutionally vague as applied to the defendants' conduct. Following the dismissal of those charges, all three defendants remained charged with conspiring to defraud the United States in its administration of the Special Administrative Measures ("SAMs") imposed upon Abdel Rahman, which limited his access to the mail, the media, the telephone and visitors, in order to protect "persons against the risk of death or serious bodily injury" that might otherwise result.

Sattar also remained charged with soliciting crimes of violence in connection with his efforts to persuade others to engage in violent terrorist operations worldwide. Stewart also remained charged with making false statements to the Department of Justice in connection with her submission in May 2000 of an affirmation to the United States Attorney's Office for the Southern District of New York, in which she falsely stated that she would comply with the SAMs, only communicate with Abdel Rahman concerning legal matters, and not use meetings or phone calls with him to pass messages between him and third parties, including the media.

The superseding indictment charges that, "[a]fter Abdel Rahman's arrest, a coalition of terrorists, supporters, and followers, including leaders and associates of the Islamic Group, al Qaeda, the Egyptian Islamic Jihad, and the Abu Sayyaf terrorist group in the Philippines, threatened and committed acts of terrorism directed at obtaining the release of Abdel Rahman from prison."

According to the superseding indictment, after his arrest, Abdel Rahman himself "urged his followers to wage jihad to obtain his release from custody. For instance, in a message to his followers recorded while he was in prison, . . . Abdel Rahman stated that ' . . . It is a duty upon all the Muslims around the world to come to free the Sheikh, and to rescue him from his jail.' Referring to the United States, Abdel Rahman implored, 'Muslims everywhere, dismember their nation, tear them apart, ruin their economy, provoke their corporations, destroy their embassies, attack their interests, sink their ships, and shoot down their planes, kill them on land, at sea, and in the air. Kill them wherever you find them.'"

### **The New Charge Against Sattar**

The superseding indictment charges that Sattar, with Abdel Rahman and others, was a member of a conspiracy to kill and kidnap persons in a foreign country. The superseding indictment describes a series of acts committed by Sattar, Abdel Rahman, and their co-conspirators around the world. For example, in October 2000, according to the superseding indictment, Sattar and others wrote and published on the Internet a fatwah entitled "Fatwah Mandating the Killing of Israelis Everywhere," under Abdel Rahman's name, which called on "brother scholars everywhere in the Muslim world to do their part and issue a unanimous fatwah that urges the Muslim nation to fight the Jews and to kill them wherever they are," and stated that "the Muslim nation" should "fight the Jews by all possible means of Jihad, either by killing them as individuals or by targeting their interests, and the interests of those who support them, as much as they can."

A further example is Sattar's participation in communicating Abdel Rahman's withdrawal of support for a cease-fire to which Abdel Rahman's terrorist followers were adhering in Egypt. The superseding indictment alleges that, in 1999 and 2000, Sattar told leaders of the Islamic Group that Abdel Rahman had issued a statement calling for an end to the cease-fire.

### **The New Charges Against Stewart and Yousry**

The superseding indictment charges Stewart and Yousry with conspiring to provide material support to the conspiracy to kill and kidnap persons in a foreign country, and with conspiring to conceal and disguise Abdel Rahman's service as personnel to prepare for and carry out that conspiracy. In addition to the conspiracy count, Stewart and Yousry are also charged with the substantive offense of providing and concealing material support to the conspiracy to kill and kidnap. The superseding indictment describes a series of acts committed by Stewart and Yousry. For example, according to the superseding indictment, during a May 2000 prison visit to Abdel Rahman by Stewart and Yousry, Yousry read communications to Abdel Rahman from Sattar and from terrorist followers of Abdel Rahman while Stewart actively concealed that fact from the prison guards. The superseding Indictment alleges that, "[a]t one point, Stewart and Yousry explicitly discussed the fact that the guards were patrolling close to the prison conference room and might notice that Stewart was not involved in the conversation between Yousry and Abdel Rahman. To conceal the fact that Stewart was not participating in the meeting, among other things, Stewart instructed Yousry to make it look as if Stewart were communicating with Abdel Rahman and Yousry were merely translating, by having Yousry look periodically at Stewart and Abdel Rahman in turn, even though Yousry was in fact reading. Stewart also pretended to be participating in the conversation with Abdel Rahman by making extraneous comments such as 'chocolate' and 'heart attack.' Stewart contemporaneously observed to Yousry that she could 'get an award for' her acts of concealment, and Yousry agreed that Stewart should 'get an award in acting.'"

The superseding indictment further charges that, during this May 2000 prison visit, "Abdel Rahman dictated letters to Yousry indicating that he did not support the cease-fire and calling for the Islamic Group to re-evaluate the cease-fire, while Stewart again actively concealed the conversation between Yousry and Abdel Rahman from the prison guards. Among other things, Stewart periodically interrupted the dictation with extraneous comments, and stated explicitly that she would do so from time to time in order to keep the guards from realizing that she was not participating in the conversation."

Also during the May 2000 prison visit, the superseding indictment alleges that Yousry told Abdel Rahman and Stewart about kidnappings by the Abu Sayyaf terrorist group in the Philippines and "Abu Sayyaf's demand to free Abdel Rahman, to which Stewart replied, 'Good for them.'"

The superseding indictment further alleges that, in June 2000, Stewart "released a statement to the press that quoted Abdel Rahman as stating that he 'is withdrawing his support for the cease-fire that currently exists.'" Another example involves Stewart and Yousry's alleged conduct during a July 2001 prison visit to Abdel Rahman. The superseding indictment charges that, during the July 2001 prison visit, "Yousry told Abdel Rahman that Sattar had been informed that the U.S.S. Cole was bombed on Abdel Rahman's behalf and that Sattar was asked

to convey to the United States government that more terrorist acts would follow if the United States government did not free Abdel Rahman. While Yousry was informing Abdel Rahman about this scheme, Stewart actively concealed the conversation between Yousry and Abdel Rahman from the prison guards by, among other things, shaking a water jar and tapping on the table while stating that she was ‘just doing covering noise.’”

The conspiracy to defraud charges against all three defendants in the superseding indictment rest on the same conduct underlying the charges that Sattar conspired to kill and kidnap persons in a foreign country and that Stewart and Yousry provided and concealed material support to that conspiracy. The charge that Sattar solicited crimes of violence rests on the same conduct underlying the charge that Sattar conspired to kill and kidnap persons in a foreign country.

U.S. Attorney James B. Comey noted that although the new material-support charges in the superseding indictment, like the material-support charges that were dismissed from the original indictment, are based on Stewart’s and Yousry’s dealings with Abdel Rahman, the new charges rest on a different legal foundation than the original charges. The new charges are based on Section 2339A of Title 18 of the United States Code, whereas the original charges were based on Section 2339B. Section 2339A makes it a crime to provide or conceal “material support or resources”... “knowing or intending that they are to be used in preparation for, or in carrying out” a specified terrorist crime, “or in preparation for, or in carrying out, the concealment or an escape from the commission of any such” crime. The original material-support charges alleged that the defendants provided “communications equipment,” and provided themselves and each other as “personnel” to the Islamic Group, which had been designated by the United States Secretary of State as a foreign terrorist organization. The new material support charges allege that Stewart and Yousry “provided” and “concealed” Abdel Rahman as “personnel” to a conspiracy to kill and kidnap people outside the United States. Thus, Comey said, the new charges do not raise the same concerns that prompted the Court’s July 22, 2003 opinion.

The United States asked the grand jury to return the superseding Indictment adding these new charges against Sattar, Stewart and Yousry after a careful review of the Court’s July 22, 2003, ruling and a further reexamination of the evidence gathered against all three defendants in light of that ruling. In the view of the United States, these new charges appropriately and adequately reflect the gravity of all three defendants’ conduct and address the legal concerns articulated by the Court in its July 22, 2003, ruling, Comey said.

If convicted of the charges, Sattar faces maximum jail sentences ranging from five years to life imprisonment on the counts on which he is charged, and Stewart and Yousry face maximum jail sentences ranging from five years to 15 years on the counts on which they are charged.

The charges in the indictment are merely accusations, and the defendants are presumed innocent unless and until proven guilty.

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